KA/: G-GPO / 2515 / WPP-47 / 2009-2011

ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ ೧೪೫	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ಡಿಸೆಂಬರ್ ೩೦, ೨೦೧೦ (ಪುಷ್ಯ ೯, ಶಕವರ್ಷ ೧೯೩೨)	ಸಂಚಿಕೆ ೫೧

ಭಾಗ – ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು, ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರದ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 48 ಕೇಶಾಪ್ರ 2010, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 25ನೇ ಅಕ್ಟೋಬರ್, 2010

2010ನೇ ಸಾಲಿನ ಸೆಪ್ಟೆಂಬರ್ 22ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II, ಸೆಕ್ಷೆನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Trade Marks (Amendment) Act, 2010 (No. 40 of 2010) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 22nd September , 2010/ Bhadra 31, 1932 (Saka)

The following Act of Parliament received the assent of the President on the 21st September, 2010, and is hereby published for general information:-

THE TRADE MARKS (AMENDMENT) ACT, 2010

No.40 OF 2010

[21st September, 2010,]

An Act to amend the Trade Marks Act, 1999

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:-

1. Short title and commencement:- (1) This Act may be called the Trade Marks (Amendment) Act, 2010.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 11:- In section 11 of the Trade Marks Act, 1999 (47 of 1999) (hereinafter referred to as the principal Act), in the *Explanation,* for clause (a), for clause (a), the following clause shall be substituted, namely:-

"(a) a registered trade mark or an application under section 18 bearing an earlier date of filing or an international registration referred to in section 36E of convention application referred to in section 154 which has a date of application earlier than that of the trade mark in question, taking account, where appropriate, of the priorities claimed in respect of the trade marks."

3. Amendment of section 21:- In section 21 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) Any person may, within four months from the date of the advertisement or re-advertisement of an application for registration, give notice in writing in the prescribed manner and on payment of such fee as may be prescribed, to the Registrar, of opposition to the registration."

4. Amendment of section 23:- In section 23 of the principal Act, in sub-section (1), after the words "register the said trade mark", the words "within eighteen months of the filing of the application" shall be inserted.

5. Insertion of new Chapter IVA:- After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:-

CHAPTER IVA

SPECIAL PROVISIONS RELATING TO PROTECTION OF TRADE MARKS THROUGH INTERNATIONAL REGISTRATION UNDER THE MADRID PROTOCOL

36A. Application of Act in case of international registration under Madrid Protocol:- The provisions of this Chapter shall apply to international applications and international registrations under the Madrid Protocol.

36B. Definitions:- In this Chapter, unless the context otherwise requires, -

(a) "application", in relation to a Contracting State or a Contracting Organisation, means an application made by a person who is a citizen of, or is domiciled in, or has a real and effective industrial or commercial establishment in, that Contracting State or a State which is a member of that Contracting Organisation, as the case may be.

***Explanation*:-** For the purposes of this clause, "real and effective industrial or commercial establishment" means and includes any establishment where some *bonafide* industrial or commercial activity takes place and need not necessarily be the principal place of business;

(b) "basic application" means an application for the registration of a trade mark filed under section 18 and which is used as a basis for applying for an international registration;

(c) " basic registration" means the registration of a trade mark under section 23 and which is used as a basis for applying for an international registration;

(d) "Common Regulations" means the Regulations concerning the implementation of the Madrid Protocol;

(e) "Contracting Organisation" means a Contracting Party that is an inter governmental organisation;

(f) "Contracting Party" means a Contracting State or Contracting Organisation party to the Madrid Protocol;

(g) "Contracting State" means a country party to the Madrid Protocol;

(h) "international application" means an application for international registration or for extension of the protection resulting from an international registration to any Contracting Party made under the Madrid Protocol;

(i) "International Bureau" means the International Bureau of the World Intellectual Property Organisation;

(j) "international registration" means the registration of a trade mark in the register of the International Bureau effected under the Madrid Protocol;

(k) "Madrid Agreement" means the Madrid Agreement Concerning the International Registration of Marks adopted at Madrid on the 14th day of April, 1891, as subsequently revised and amended;

(l) "Madrid Protocol." means the Protocol relating to the Madrid Agreement Concerning the International Registration of Marks adopted at Madrid on the 27th day of June, 1989, as amended from time to time.

36C.Trade Marks Registry to deal with international applications:- Notwithstanding anything contained in sub-section (3) of section 5, an international application shall be dealt with by the head office of the Trade Marks Registry or such branch office of the Registry, as the Central Government may, by notification in the Official Gazette, specify.

36D International application originating from India:- (1) Where an application for the registration of a trade mark has been made under section 18 or a trade mark has been registered under section 23, the applicant or the registered proprietor may make an international application on the form prescribed by the Common Regulations for international registration of that trade mark.

(2) A person holding an international registration may make an international application on the form prescribed by the Common Regulations for extension of the protection resulting from such registration to any other Contracting Party.

(3) An international application under sub-section (1) or sub-section (2) shall designate the Contracting Parties where the protection resulting from the international registration is required.

(4) The Registrar shall certify in the prescribed manner that the particulars appearing in the international application correspond to the particulars appearing, at the time of the certification, in the application under section 18 or the registration under section 23, and shall indicate the date and number of that application or the date and number of that registration as well as the date and number of the application from which that registration resulted, as the case may be, and shall within the prescribed period, forward the international application to the International Bureau for registration, also indicating the date of the international application.

(5) Where at any time before the expiry of a period of five years of an international registration, whether such registration has been transferred to another person or not, the application under section 18 or the registration under section 23, as the case may be, has been withdrawn or cancelled or has expired or has been finally refused in respect of all or some of the goods or services listed in the international registration, the protection resulting from such international registration shall cease to have effect.

Provided that where an appeal is made against the decision of registration and an action requesting for withdrawal of application or an opposition to the application has been initiated before the expiry of the period of five years of an international registration, any final decision resulting into withdrawal, cancellation, expiration or refusal shall be deemed to have taken place before the expiry of five years of the international registration.

(6) The Registrar shall, during the period of five years beginning with the date of international registration, transmit to the International Bureau every information referred to in sub-section (5).

(7) The Registrar shall notify the International Bureau the cancellation to be effected to an international registration keeping in view the current status of the basic application or the basic registration, as the case may be.

36E. International registrations where India has been designated:- (1) The Registrar shall, after receipt of an advice from the International Bureau about any international registration where India has been designated, keep a record of the particulars of the international registration in the prescribed manner.

(2) Where, after recording the particulars of any international registration referred to in sub-section (1), the Registrar is satisfied that in the circumstances of the case the protection of trade mark in India should not be granted or such protection should be granted subject to conditions or limitations or to conditions additional to or different from the conditions or limitations subject to which the international registration has been accepted, he may, after hearing the applicant if he so desires, refuse grant of protection and inform the International Bureau in the prescribed manner within eighteen months from the date on which the advice referred to in sub-section(1) was received.

(3) Where the Registrar finds nothing in the particulars of an international registration to refuse grant of protection under sub-section (2), he shall within the prescribed period cause such international registration to be advertised in the prescribed manner.

(4) The provisions of sections 9 to 21 (both inclusive), 63 and 74 shall apply *mutatis mutandis* in relation to an international registration as if such international registration was an application for registration of a trade mark under section 18.

(5) When the protection of an international registration has not been opposed and the time for notice of opposition has expired, the Registrar shall within a period of eighteen months of the receipt of advice under sub-section (1) notify the International Bureau its acceptance of extension of protection of the trade mark under such international registration and, in case the Registrar fails to notify the International Bureau, it shall be deemed that the protection has been extended to the trade mark.

(6) Where a registered proprietor of a trade mark makes an international registration of that trade mark and designates India, the international registration from the date of the registration shall be deemed to replace the registration held in India without prejudice to any right acquired under such previously held registration and the Registrar shall, upon request by applicant, make necessary entry in the register referred to in sub-section (1) of section 6.

(7) A holder of international registration of a trade mark who designates India and who has not been extended protection in India shall have the same remedy which is available to any person making an application for the registration of a trade mark under section 18 and which has not resulted in registration under section 23.

(8) Where at any time before the expiry of a period of five years of an international registration, whether such registration has been transferred to another person or not, the related basic application or, as the case may be, the basic registration in a Contracting Party other than India has been withdrawn or cancelled or has expired or has been finally refused in respect of all or some of the goods or services listed in the international registration, the protection resulting from such international registration in India shall cease to have effect.

36F. Effects of international registration:- (1) From the date of the international registration of a trade mark where India has been designated or the date of the recording in the register of the International Bureau about the extension of the protection resulting from an international registration of a trade mark to India, the protection of the trade mark in India shall be the same as if the trade mark had been registered in India.

(2) The indication of classes of goods and services given by the applicant shall not bind the Registrar with regard to the determination of the scope of the protection of the trade mark.

36G. Duration and renewal of international registration:- (1) The international registration of a trade mark at the International Bureau shall be for a period of ten years and may be renewed for a period of ten years from the expiry of the preceding period.

(2) Subject to payment of a surcharge prescribed by the rules, a grace period of six months shall be allowed for renewal of the intimational registration.'.

6. Substitution of new section for section 45:- For section 45 of the principal Act, the following section shall be substituted, namely:-

> **"45. Registration of assignments and transmissions :-** (1) Where a person becomes entitled by assignment or transmission to a registered trade mark, he shall apply in the prescribed manner to the Registrar to register his title, and the Registrar shall, on receipt of the application, register him as the proprietor of the trade mark in respect of the goods or services in respect of which the assignment or transmission has effect, and shall cause particulars of such assignment or transmission to be entered on the register.

(2) The Registrar may require the applicant to furnish evidence or further evidence in proof of title only where there is a reasonable doubt about the veracity of any statement or any document furnished.

(3) Where the validity of an assignment or transmission is in dispute between the parties, the Registrar may refuse to register the assignment or transmission until the rights of the parties have been determined by a competent court and in all other cases the Registrar shall dispose of the application within the prescribed period.

(4) Until an application under sub-section (1) has been filed, the assignment or transmission shall be ineffective against a person acquiring a conflicting interest in or under the registered trade mark without the knowledge of assignment or transmission.".

7. Omission of Chapter X :- Chapter X of the Principal Act shall be omitted.

8. Amendment of section 150:- In section 150 of the principal Act, in sub-section(1), for the word "applications", the words "applications, international applications" shall be substituted.

9. Amendment of section 157:- In section 157 of the principal Act, in sub-section (2),-

(a) for clause (vii), the following clause shall be substituted, namely:-

"(vii) the manner of giving a notice of opposition and the fee payable for such notice under sub-section (1) and sending counter-statement under sub-section (2) and submission of evidence and the time therefore under sub-section (4) of section 21";

(b) after clause (*ix*), the following clauses shall be inserted, namely:-

"(ixa) the time within which the International application is to be forwarded to the International Bureau and the manner of certifying the particulars by the Registrar under sub-section (4) of section 36D;

(ixb) the manner of keeping a record of particulars of an international registration under sub-section (1) of section 36E;

(ixc) the manner of informing the International Bureau under sub-section (2) of section 36E;

(ixd) the manner of advertising the international registration and the time within which the international registration shall be advertised under sub-section (3) of section 36E;";

(c) after clause (xiii), the following clause shall be inserted, namely:-

"(xiiia) the period within which the Registrar shall dispose of an application under sub-section (3) of section 45;";

(d) clauses (xxvi), (xxvii) and (xxviii) shall be omitted.

10. Power of Central Government to remove difficulties:- (1) Notwithstanding anything contained in section 156 of the principal Act, if any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary for removing such difficulty:

Provided that no order shall be made under this section after the expiry of five years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

V. K. BHASIN,
Secy. to the Govt. of India.
ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,
ಆರ್. ಆಂಜಿನಿ,
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

PR. No. 70

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ

ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 49 ಕೇಶಾಪ್ರ 2010, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 29ನೇ ಅಕ್ಟೋಬರ್, 2010

2010ನೇ ಸಾಲಿನ ಸೆಪ್ಟಂಬರ್ 22ನೇ ದಿನಾಂಕದ ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ ಭಾಗ–II, ಸೆಕ್ಷೆನ್ 1 ರಲ್ಲಿ ಪ್ರಕಟವಾದ ಈ ಕೆಳಕಂಡ The Nalanda University Act, 2010 (No. 39 of 2010) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 22nd September, 2010/ Bhadra 31, 1932 (Saka)

The following Act of Parliament received the assent of the President on the 21st September, 2010 and is hereby published for general information:-

THE NALANDA UNIVERSITY ACT, 2010

No.39 OF 2010

[21st September, 2010,]

An Act to implement the decisions arrived at the Second East Asia Summit held on the 15th January, 2007, at Philippines and subsequently at the Fourth East Asia Summit held on the 25th October, 2009, at Thailand for the establishment of the Nalanda University in the State of Bihar as an international institution for pursuit of intellectual, philosophical, historical and spiritual studies and for matters connected therewith or incidental thereto.

WHEREAS, the Second East Asia Summit held on the 15th January, 2007 in the city of Cebu, Republic of Philippines, agreed to strengthen regional educational co-operation by tapping the East Asia Region's centres of excellence in education and for the revival of the Nalanda University located in the State of Bihar to improve regional understanding and the appreciation of one another's heritage and history;

AND WHEREAS, the Fourth East Asia Summit held on the 25th October, 2009 in Hua Hin, Thailand, supported the establishment of the Nalanda University and encouraged the networking and collaboration between the proposed Nalanda University and existing centres of excellence in the East Asia Summit so as to participating countries to build a community of learning where students, scholars, researchers and academicians can work together symbolising the spirituality that unites all mankind;

AND WHEREAS, it is considered expedient to make provision for implementing the decisions arrived at in the aforesaid East Asia Summits for establishment of the Nalanda University in the State of Bihar and declare it to be an institution of national importance.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:-

1. Short title and commencement :- (1) This Act may be called the Nalanda University Act, 2010.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different ·dates may be appointed for different provisions of this Act.

2. Declaration of Nalanda University as an institution of national importance :- Whereas the objects of the institution known as the Nalanda University are such as to make the institution one of national importance, it is hereby declared that the institution known as the Nalanda University is an institution of national importance.

3. Definitions :- In this Act, unless the context otherwise requires,-

(a) "Academic Council" means the Academic Council of the University;

(b) "academic staff " means such categories of staff as are designated as academic staff by the Statutes;

(c) "Centre" means a centre established or maintained by the University in any place in India or in East Asia region for the purposes of coordinating and supervising the work of centres in such place or region and for performing such functions as may be conferred on such centre by the Governing Board;

(d) "East Asia region" means the region comprising the territories of the Member States of the East Asia Summit;

(e) "employee" means any person appointed by the University and includes teachers and other staff of the University;

(f) "Faculty" means a Faculty of the University;

(g) "Finance Officer" means the Finance Officer of the University appointed under section 17;

(h) "Governing Board" means the Governing Board of the University constituted under section 7;

(i) "Hall" means a unit of residence, by whatever name called, for students of the University provided, maintained or recognised by it;

(j) "Member States" means the Member States of the East Asia Summit;

(k) "Nalanda Mentor Group" means the group of persons constituted by the communication dated the 28th June, 2007 of the Government of India in the Ministry of External Affairs, *inter alia,* to examine the framework and structure of International co-operation and partnership which would govern the establishment of the University;

(l) "Ordinances" means the Ordinances of the University;

(m) "prescribed" means prescribed by Statutes, Ordinances or by Regulations;

(n) "recognised institution" means an institution of higher learning maintained or recognised by, or associated with, the University;

(o) "Registrar" means the Registrar of the University appointed under section 16;

(p) "Regulations" means the Regulations of the University;

(q) "School" means a school of studies of the University;

(r) "Statutes" means the Statutes of the University;

(s) “teacher” means professor, associate professor, assistant professor and research staff of the University appointed or recognised by the University for imparting instructions or conducting research in the University or for giving guidance to students for pursuing any course of study of the University and are designated as teachers by the Statutes;

(t) "University" means the Nalanda University established and incorporated under section 4.

4. Establishment and incorporation of Nalanda University :- (1) The University of Nalanda in the State of Bihar, established under the University of Nalanda Act, 2007, (Bihar Act 18 of 2007) shall be established as a body corporate under this Act by the name of "Nalanda University".

(2) The first Visitor, the first Chancellor, the first Vice-Chancellor, the first members of the Governing Board and the Academic Council, and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, shall constitute the University.

(3) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(4) The Headquarters of the University shall be in the district of Nalanda in the State of Bihar.

(5) The University may establish or maintain centres at such other places in India as it may deem fit:

Provided that the University may, with the approval of the Governing Board, establish study centres outside India.

5. Effect of establishment of University : - On and from the date of commencement of this Act,-

(a) any reference to the University of Nalanda in any contract or other instrument shall be deemed as a reference to the University;

(b) all property, movable and immovable, of or belonging to the University of Nalanda shall vest in the University;

(c) all rights and liabilities of the University of Nalanda shall be transferred to, and be the rights and liabilities of, the University;

(d) every person employed by the University of Nalanda immediately before the commencement of this Act shall hold his office or service in the University by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same if this Act had not been enacted, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Statutes:

Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the University in accordance with the term of the contract with the employee or, if no provision is made therein in this behalf, on payment to him by the University of compensation equivalent to three months' remuneration in case of permanent employees and one month's remuneration in the case of other employees:

Provided further that every person employed before the commencement of this Act, pending the execution of a contract under section 33, shall be deemed to have been appointed in accordance with the provisions of a contract consistent with the provisions of this Act and the Statutes:

Provided also that any reference, by whatever form of words, to the Visitor, Chancellor or Vice-Chancellor of the University of Nalanda in any law for the time being in force, or in any instrument or other document, shall be construed as a reference respectively to the Visitor, Chancellor or Vice-Chancellor of the University;

(e) the Visitor of the University of Nalanda, appointed under the provisions of the University of Nalanda Act, 2007 (Bihar Act 18 of 2007) shall be deemed to have been appointed to be the nominee of the Visitor and such nominee be also the first Visitor under this Act for a period of five years from the date of commencement of this Act;

(f) the Chancellor of the University of Nalanda , appointed under the provisions of the University of Nalanda Act, 2007 (Bihar Act 18 of 2007) shall be deemed to have been appointed as the Chancellor under section 14 of this Act, and shall hold office for a period of three years from the date of commencement of this Act;

(g) the Vice-Chancellor of the University of Nalanda, appointed under the provisions of the University of Nalanda Act, 2007 (Bihar Act 18 of 2007) shall be deemed to have been appointed as the first Vice-Chancellor under this Act, and shall hold office for a period of five years from the date of commencement of this Act; and

(h) all Colleges, Institutions, Faculties and Departments affiliated to, or admitted to the privileges of, or maintained by, the University of Nalanda shall stand affiliated to, or admitted to the privilege of, or maintained by, the University.

6. Jurisdiction :- The jurisdiction of the University shall extend to whole of India and to centres established within or outside India.

7. Governing Board :- (1) There shall be a Governing Board of the University consisting of the following persons as its members, namely:-

(a) the Chancellor;

(b) the Vice-Chancellor;

(c) five members from amongst the Member States which provide maximum financial assistance during a period of three years to be nominated by the Member States;

(d) one member, not below the rank of Secretary in the Ministry of External Affairs, to be nominated by the Central Government;

(e) two members, representing the State Government of Bihar, to be nominated by the State Government;

(f) one member not below the rank of Additional Secretary in the Ministry of Human Resource Development, to be nominated by the Central Government;

(g) three members from amongst the persons being renowned academician or educationist, to be nominated by the Central Government.

(2) Each member of the Governing Board referred to in clauses (c) to (g) of sub-section (1), shall hold office for a fixed term of three years.

(3) The Chancellor shall be the Chairperson of the Governing Board.

(4) The member, being the Secretary in the Ministry of External Affairs, nominated under clause (d) of sub-section (1), shall be the Member-Secretary of the Governing Board.

(5) Subject to the provisions of this Act, the Statutes and the Ordinances made thereunder, the Governing Board may regulate its own procedure (including quorum) for the conduct of its meetings.

8. Powers and functions of Governing Board :- (1) The Governing Board shall be responsible for all the policies and directions of the University and management of its affairs.

(2) The Governing Board shall exercise such powers as may be prescribed by the Statutes:

Provided that the Nalanda Mentor Group shall exercise the powers and discharge the functions of the Governing Board for a period of one year or till such time the members referred to in clauses (c) to (g) of sub-section (1) of section 7 are nominated, whichever is earlier.

9. Objectives of University :- (1) The objectives of the University shall be-

(a) to impart education and to enable research towards capacity building of the Member States in the domain of ancient science (in particular, practiced in the Nalanda several centuries ago), philosophy, language, history and other areas of higher learning vital for improving the quality of life;

(b) to contribute to the promotion of regional peace and vision by bringing together the future leaders of the East Asia, who by relating to their past history can enhance their understanding of each others' perspectives and to share that understanding globally;

(c) to harmonise the academic standards and accreditation norms in teaching, research and curriculum that are acceptable to all Member States;

(d) to create a unique partnership between the scholars and interested persons from the Member States;

(e) to understand Buddha's teachings in the contemporary context without excluding any other thoughts and practices from any other parts of the world;

(f) to enhance research for greater interaction between Asian countries, particularly between East Asia, bound by strong historical commonalities in areas like trade, science, mathematics, astronomy, religion, philosophy and cross-cultural current;

(g) to foster in the students and scholars the spirit of accommodation, understanding and thus to train them to become exemplary citizens of democratic societies;

(h) to contribute to the improvement of the educational system of the Member States in view of the teaching in Nalanda several centuries ago;

(i) to provide education and training in various arts, crafts and skills of the Member States, raising their quality and improving their availability to the people.

(2) The University shall be non-profit public-private partnership, which shall seek support from each of the Member States and from other sources but shall be autonomous and accountable to the Governing Board.

10. Powers of University :- The University shall have the following powers, namely.-

(i) to make provision for providing, upgrading and promoting holistic and inclusive education and training and research in such education as set out in the objects, and to create an enabling and conducive environment for the pursuit of such education in close co-operation with other experts, scholars and interested persons in India, Asian countries and other countries;

(ii) to set up a consortium of international partners and friendly countries in furtherance of the objects of the University;

(iii) to generate and maintain resources through consultancy services, continuing education programmes, national and international collaborations and intellectual property rights;

(iv) to provide for instruction in such branches of learning as the University may, from time to time, determine and to make provisions for research and for the advancement and dissemination of knowledge;

(v) to establish such special centres and specialised laboratories and such other units for research and instruction as are necessary for the furtherance of its objects;

(vi) to plan and prescribe courses of study for degrees, diplomas, certificates or for any other purpose;

vii) to hold examinations and grant diplomas or certificates to, and confer degrees and other academic distinctions on, persons who have pursued a course of study or conducted research, in the manner laid down by the Statutes and Ordinances;

(viii) to confer honorary degrees or other academic distinctions in the manner prescribed by the Statutes;

(ix) to institute Professorships, Readerships and Lecturerships and other teaching and academic positions, required by the University and to appoint persons to such Chairs, Professorships, Readerships and Lecturerships and other teaching and academic positions;

(x) to appoint visiting professors, Emeritus professors, consultants, scholars and such other persons who may contribute to the advancement of the objects of the University;

(xi) to recognise persons as professors, associate professors, or assistant professors or otherwise as teachers of the University;

(xii) to create administrative and other posts as the University may deem necessary from time to time and to make appointments thereto;

(xiii) to lay down conditions of service of all categories of employees, including their code of conduct;

(xiv) to establish and maintain centres in India or outside India, as may be determined from time to time;

(xv) to admit to its privileges institutions situated within its jurisdiction as the University institutions and to withdraw all or any of those privileges in accordance with such conditions as may be prescribed by the Statutes;

(xvi) to co-operate or collaborate or associate with any other University or authority or institution of higher learning or any other public or private body, having in view the promotion of purposes and objects similar to those of the University, in such manner as may be prescribed and for such purposes as may be determined or agreed upon by the University;

(xvii) to determine standards of admissions, including examination, evaluation or any other method of testing, to the University, and the institutions maintained by or admitted to the privileges of the University;

(xviii) to demand and receive payment of fees and other charges as may be prescribed;

(xix) to establish Halls and to recognise, guide, supervise and control Halls not maintained by the University and other accommodation for students, and to withdraw any such recognition;

(xx) to make arrangements for promoting health and general welfare of students and employees of the University;

(xxi) to regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this regard as may be deemed by the University to be necessary;

(xxii) to institute and award Fellowships, Scholarships and Prizes;

(xxiii) to receive benefactions, donations and gifts in accordance with the Ordinances and to acquire, hold, manage and dispose of any property, movable or immovable, including trust and endowment properties, for the purposes or objects of the University and to invest funds in such manner as it deems fit;

(xxiv) to borrow, with the approval of the Governing Board;

(xxv) to recognise for any purpose, either in whole or in part, any institution or members or students thereof on such terms and conditions as may, from time to time, be prescribed and to withdraw such recognition;

(xxvi) to make provision for research and advisory services and for that purpose to enter into such arrangements with other institutions or bodies as it may deem necessary;

(xxvii) to provide for the printing, reproduction and publication or research and other work which may be required by the University;

(xxviii) to exercise such other powers accorded to it and to do all such other acts as may be necessary, incidental or conducive to the promotion of all or any of the objects of the University.

11. University open to all persons :- The University shall be open to all persons irrespective of gender, caste, creed, disability, ethnicity or social-economic background.

12. Visitor :- (1) The President of India shall be the Visitor of the University:

Provided that the President may, by order, nominate any person to be the Visitor and such person so nominated shall hold office for such term, not exceeding five years as may be specified in the order and the person so nominated shall exercise the powers and discharge duties of the Visitor.

(2) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University and to submit a report thereon; and upon receipt of that report, the Visitor may, after obtaining the views of the Governing Board thereon through the Vice-Chancellor, take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.

(3) The Visitor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its buildings, libraries, laboratories and equipments, and of any institution or centre maintained by the University or admitted to its privileges, and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in respect of any matter connected with the University.

(4) The Visitor shall, in every case give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to appoint a representative within thirty days or such other period as the Visitor may determine who shall have the right to be present and be heard at such inspection or inquiry.

(5) The Visitor may address the Vice-Chancellor with reference to the result of inspection and inquiry, and the Vice-Chancellor shall communicate to the Governing Board the views of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon.

(6) The Governing Board shall communicate through the Vice-Chancellor to the Visitor, such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.

(7) Where the Governing Board does not, within a reasonable time, take action to the satisfaction of the Visitor, he may, after considering any explanation furnished or representation made by the Governing Board, issue such directions as he may think fit and the Governing Board shall be bound to comply with such directions.

(8) Without prejudice to the foregoing provisions of this section, the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with this Act, the Statutes, the Ordinances or the Regulations.

(9) The Visitor shall have such other powers as may be prescribed by the Statutes.

13. Officers of University :- The following shall be the officers of the University.

(1) the Chancellor;

(2) the Vice-Chancellor;

(3) the Registrars;

(4) the Finance Officer; and

(5) such other officers as may be declared by the Statutes to be the officers of the University.

14. The Chancellor :- (1) The Chancellor shall be appointed by the Visitor for such term and in such manner as may be prescribed by the Statutes.

(2) The Chancellor shall, by virtue of his office, be the head of the University and shall, if present, preside at the Convocations of the University held for conferring degrees and meetings of the Governing Board.

15. The Vice-Chancelor :- (1) Vice-chancellor shall be appointed by the Visitor in such manner, for such term and on such emoluments and other conditions of service as may be prescribed by the Statutes.

(2) The Chancellor shall be the principal academic and executive officer of the University, and shall exercise supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matter:

Provided that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by any action taken by the Vice-Chancellor under this sub-section shall have the right to represent against such action to the Governing Board within ninety days from the date on which such action is communicated to him and there upon the Governing Board may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice-Chancellor, if he is of the opinion that a decision of any authority is beyond the powers of the authority conferred by the provisions of this Act, the Statutes or the Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review its decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Visitor whose decision thereon shall be final:

Provided that the decision of the authority concerned shall remain suspended during the period of review of such decision by the authority or the Visitor, as the case may be, under this sub-section.

(5) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes and the Ordinances.

16. The Registrar :- (1) The Registrar shall be appointed in such manner and on such terms and conditions of service as may be prescribed by the Statutes.

(2) The Registrar shall have the power to enter into, and sign agreements and authenticate records on behalf of the University.

(3) The Registrar shall exercise such powers and perform such functions as may be prescribed by the Statutes. '

17. The Finance Officer :- The Finance Officer shall be appointed in such manner and on such terms and conditions of service and shall exercise such powers and perform such functions as may be prescribed by the Statutes.

18. The Controller of Examinations :- The Controller of Examinations shall be appointed in such manner and on such terms and conditions of service and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

19. The Librarian :- The Librarian shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

20. Other officers :- The manner of appointment, emoluments, powers and duties of the other officers of the University shall be prescribed by the Statutes.

21. Privileges and immunities of academic staff, etc. :- The members of the academic staff and, where applicable, their dependents or members of the family, shall enjoy such privileges and immunities as the Central Government may, after entering into an agreement with the University, notify under section 3 of the United Nations (Privileges and Immunities) Act, 1947.

22. Authorities of the University :- The following shall be the authorities of the University :-

(1) the Governing Board;

(2) the Academic Council;

(3) the Boards of Schools of Studies;

(4) the Finance Committee; and

(5) such other authorities as may be declared by the Statutes to be the authorities of the University.

23. The Academic Council :- (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation of, and be responsible for, the maintenance of standards of learning, education, instruction, evaluation and examination within the University and shall exercise such other powers and perform such other functions as may be conferred or imposed upon it by the Statutes.

(2) The constitution of the Academic Council and the term of office of its members shall be prescribed by the Statutes.

24. The Schools of Studies :- (1) There shall be such number of Schools of Studies as the University may determine from time to time.

(2) Without prejudice to the generality of the foregoing provision contained in sub- section (1), the University shall have the following Schools, namely:-

(i) Buddhist Studies, Philosophy and Comparative Religions;

(ii) Historical Studies;

(iii) International Relations and Peace Studies;

(iv) Business Management in relation to Public Policy and Development Studies:

(v) Languages and Literature;

(vi) Ecology and Environment Studies;

(vii) any other school as may be prescribed by the Statutes,

(3) Every School of Studies shall have a Board comprising of such members as may be prescribed by the Statutes.

(4) The powers and functions of the Boards of School of Studies shall be prescribed by the Statutes.

25. The Finance Committee :- The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.

26. Other authorities:- The constitution, powers and functions of the other authorities which may be declared by the Statutes to be authorities of the University shall be prescribed by the Statutes.

27. Statutes:- Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:-

(a) the manner of appointment of the Chancellor;

(b) the manner of appointment of the Vice-Chancellor, the term of his appointment, the emoluments and other conditions of his service and the powers and functions that may be exercised and performed by him.

(c) the manner of appointment of the Registrar, the Finance Officer, the Controller of Examinations and other officers and terms and conditions of their service and the powers and functions that may be exercised and performed by such officers;

(d) the other authorities of the University, the terms of office of the members of such authorities and the powers and functions that may be exercised and performed by such authorities;

(e) the appointment of teachers and other employees of the University, their emoluments and other conditions of service;

Provided that the terms and conditions of teachers and employees shall not be varied to their disadvantage;

(f) the constitution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the employees of the University;

(g) the principles governing the seniority of service of the employees of the University;

(h) the procedure for regulating the work of the Tribunal of Arbitration;

(i) the procedure for the settlement of disputes between the employees or students of the University, and the University;

(j) the co-ordination and determination of standards in the University;

(k) Schools of Studies, members of its Board and the power and functions of such Board;

(l) all other matter which by this Act are to be, or may be, provided by the Statutes.

28. Statutes how made:- (1) The first Statutes shall be made by the Governing Board, with the prior approval of the Visitor, within six months of the commencement of this Act, for operation of University.

(2) The Governing Board may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1).

Provided that the Governing Board shall not make, amend or repeal any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given a reasonable opportunity to express its opinion in writing on the proposed changes and any opinion so expressed has been considered by the Governing Board.

(3) Every new Statute of addition to the Statutes or any amendment or repeal thereof shall require the assent of the Visitor, who may assent thereto or withhold assent or remit to the Governing Board for reconsideration in the light of the observations, if any, made by him.

(4) A new Statute of a Statute amending or repealing an existing Statute shall not be valid unless it has been assented to by the Visitor.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Governing Board is unable to implement such a direction within sixty days of its receipt, the Visitor may, after considering the reasons, if any, communicated by the Governing Board for its inability to comply with such directions, made or amend the Statutes suitably.

29. Ordinances:- (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:-

(a) the admission of students, the courses of study and fees therefore, the qualifications pertaining to degrees, diplomas, certificates and other courses, the conditions for the grant of fellowships, awards and the like;

(b) the conduct of examinations, including the terms and conditions and manner of appointment of examiners;

(c) any other matter which by this Act or the Statutes is to be, or may be, provided for by the Ordinances.

(2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Governing Board and the Ordinances so made may be amended, repealed or added to at any time by the Governing Board, in the manner prescribed by the Statutes.

30. Regulations:- The authorities of the University may make regulations consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in the manner prescribed by the Statutes.

31. Annual report:- (1) The annual report of the University shall be prepared under the directions of the Governing Board which shall include, among other matters, the steps taken by the University towards the fulfillment of its objectives.

(2) The annual report so prepared shall be submitted to the Visitor on or before such date as may be prescribed by the Statutes.

(3) A copy of the annual report so prepared shall also be submitted to the Member States and exhibited on the website of the University.

32. Annual accounts, etc.:- (1) The annual accounts and the balance sheet of the University shall be prepared under the directions of the Governing Board and shall, once at least every year, and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India.

(2) A copy of the accounts together with the audit report shall be submitted to the Visitor along with the observations, if any, of the Governing Board.

(3) Any observations made by the Visitor on the annual accounts shall be brought to notice of the Governing Board and the views of the Governing Board, if any, on such observations shall be submitted to the Visitor.

(4) A copy of the annual report and annual accounts together with the audit report, as submitted to the Visitor, shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both the Houses of Parliament.

(5) The audited annual accounts, after having been laid before both the Houses of Parliament, shall be published in the Gazette of India.

(6) A copy of the audited annual accounts shall also be submitted to the Member States.

33. Conditions of service of employees:- (1) Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.

(2) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Governing Board, one member nominated, by the employee concerned and an umpire appointed by the Visitor.

(3) The decision of the Tribunal shall be final, and no suit shall lie in any civil court in respect of the matters decided by the Tribunal.

(4) Every request made by an employee under sub-section (2), shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996. (26 of 1996)

(5) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.

34. Procedure of appeal and arbitration in disciplinary cases against students:- (1) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Disciplinary Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Governing Board and the Governing Board may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.

(2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-sections (2), (3), (4) and (5) of section 33 shall, as far as may be, apply to a reference made under this sub-section.

35. Right to appeal:- Every employee or student of the University or of a School of Studies or Centre or Institution maintained by the University or admitted to its privileges shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Governing Board against the decision of any officer or authority of the University or of the Principal or the management of any School of Studies or Centre or an Institution, as the case may be, and thereupon the Governing Board may confirm, modify or reverse the decision appealed against.

36. Provident and pension funds:- The University shall constitute for the benefit of its employees such provident or pension fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

37. Disputes as to the constitution of authorities and bodies:- If any question arises as to whether any person has been duly nominated or appointed as, or is entitled to be a member of any authority or other body of the University, the matter shall be referred to the Visitor whose decision thereon shall be final.

38. Filling of casual vacancies:- AII the casual vacancies among the members (other than *ex officio* members) of any authority or other body of the University shall be filled, as soon as may be convenient, by the person or body who appoints, nominates co-opts the members whose place has become vacant and any person so appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

39. Proceedings of authorities or bodies not invalidated by vacancies:- No act or proceedings of any authority or any other body of the University shall be invalid merely by reason of the existence of any vacancy or vacancies among its members.

40. Protection of action taken in good faith:- No suit or other legal proceedings shall lie against any officer or employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

41.Power to remove difficulties:- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Gazette of India, make such provisions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of three years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

42. Statutes, Ordinances and Regulations to be published in the Official Gazette and to be laid before Parliament:- (1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Gazette of India and the website of the University.

(2) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or successive sessions aforesaid, both the Houses agree in making any modification in the Statute, Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or Regulation.

43. Transitional provisions. Notwithstanding anything contained in this Act and the statutes,-

(a) the first Registrar and the first Finance Officer shall be appointed by the Governing Board and each of the said officers shall hold office for a term of three years;

(b) the first Board of School of Studies shall consist of not more than eleven members, who shall be nominated by the Governing Board and they shall hold office for a term of three years;

(c) the first Academic Council shall consist of not more than nineteen members, who shall be nominated by the Governing Board and they shall hold office for a term of three years:

Provided that if any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the Governing Board, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held office, if such vacancy had not occurred.

44. Repeal of University of Nalanda Act:- (1) The University of Nalanda Act, 2007(Bihar Act 18 of 2007), is hereby repealed.

(2) Notwithstanding such repeal,-

(a) all appointments made, orders issued, degrees and other academic distinctions conferred, diplomas and certificates awarded, privileges granted, or other things done under the University of Nalanda Act, 2007,(Bihar Act 18 of 2007), shall be deemed to have been respectively made, issued, conferred, awarded, granted or done under the corresponding provisions of this Act and, except as otherwise provided by or under this Act or the Statutes, continue in force unless and until they are superseded by any order made under this Act or the Statutes; and

(b) all proceedings of Selection Committees for the appointment or promotion of teachers that took place before the commencement of this Act and all actions of the Governing Body in respect of the recommendations of such Selection Committees where no orders of appointment on the basis thereof were passed before the commencement of this Act shall, notwithstanding that the procedure for selection has been modified by this Act, be deemed to have been valid but further proceeding in connection with such pending selections shall be taken in accordance with the provisions of this Act and be continued from the stage where they stood immediately before such commencement, except if the concerned authorities take, with the approval of the Visitor, a decision to the contrary.

V. K. BHASIN,

Secy. to the Govt. of India.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಆರ್. ಆಂಜಿನಿ,

ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ

ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

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